



Arkansas Secretary of State

Charlie Daniels

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APPLICATION FOR VERIFICATION COMPANY

Pursuant to the provisions of the Arkansas Electronic Records and Signatures Act of 1999, A.C.A. 25-31-101, the undersigned as the duly authorized and acting president, secretary, treasurer, superintendent or managing agent of the corporation named below for which this application is submitted, under oath, hereby states:

1. The name of the corporation is: _____

The address of the corporation is: _____
Street City State ZIP

2. Fictitious name to be used in Arkansas: _____

3. The state or foreign country under whose laws the corporation was incorporated is:

4. Date incorporated: _____

5. Period of Duration: _____

6. Please state any other states in which you are currently acting as a verification company and how long you have been acting as a verification company in each state:

7. Please deliver with the completed application a certificate of good-standing duly authorized by the Secretary of State or other official having custody of corporate records in the state or country under whose laws the corporation is incorporated.

B. Please deliver with the completed application a copy of a surety bond in the amount of \$250,000 made payable to the State of Arkansas.

9. Any corporation incorporated in any other state than Arkansas making application to act as a verification company in the State of Arkansas must obtain authority to do business in Arkansas prior to final approval of this application.

Witness the hand and seal of the corporation executed under oath by the undersigned on this _____

day of _____, _____.

Signature of Authorized Officer

Title

ARKANSAS DIGITAL AND ELECTRONIC SIGNATURE GUIDELINES

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1000. Definitions.

(a) For the purposes of this chapter, and unless the context expressly indicates otherwise:

- (1) *Electronic signature* means an electronic or digital method executed or adopted by a person with the intent to be bound by or to authenticate a record, which is unique to the person using it, is capable of verification, is under the sole control of the person using it, and is linked to data in such a manner that if the data is changed the electronic signature is invalidated.
- (2) *Signer* means the person who signs a digitally signed communication with the use of an acceptable technology to uniquely link the message with the person sending it.
- (3) *Technology* means the computer hardware and/or software-based method or process used to create electronic or digital signatures.

- (4) ***Government record*** means any record relating to the conduct of the public's business, that is created, owned, used, distributed, maintained or received by a State agency.
- (5) ***Certificate*** means a computer-based record which:
 - (a) Identifies the verification company;
 - (b) Identifies the subscriber;
 - (c) Contains the subscriber's public key; and
 - (d) Is digitally signed by the verification company.
- (6) ***Verification company*** means a company providing verification of an electronic signature.
- (7) ***Public-key Infrastructure*** is the combination of software, encryption technologies, and services that allows a person to protect the security of their communications and business transactions on the Internet.

1100. Force and effect of electronic signature.

Unless otherwise provided by law, an electronic signature may be used to sign a writing or record and shall have the same force and effect as a written signature.

1101. State agency use of electronic records.

- (a) Each State agency shall determine if, and the extent to which, it will send and receive electronic records and electronic signatures to and from other persons and otherwise create, use, store, and rely upon electronic records and electronic signatures.

(b) In any case where a State agency decides to send or receive electronic records, or to accept document filings by electronic records, the State agency may, by appropriate agency rule (or court rule where appropriate), giving due consideration to security, specify:

(1) The manner and format in which such electronic records must be created, sent, received, and stored;

(2) If such electronic records must be signed, the type of electronic signature required, the manner and format in which such signature must be affixed to the electronic record, and the identity of, or criteria that must be met by, any third party used by the person filing the document to facilitate the process;

(3) Control processes and procedures as appropriate to ensure adequate integrity, security, confidentiality, and audibility of such electronic records; and

(4) Any other required attributes for such electronic records that are currently specified for corresponding paper documents, or reasonably necessary under the circumstances.

(c) Whenever any rule of law requires or authorizes the filing of any information, notice, lien, or other document or record with any State agency, a filing made by an electronic record shall have the same force and effect as a filing made of paper in all cases where the State agency has authorized or agreed to such electronic filing and the filing is made in accordance with applicable rules or agreement.

1102. Acceptable technologies.

For a digital signature to be valid for use by a public entity, it must be created by a technology that is accepted for use by the State of Arkansas.

1103. Criteria for State to determine if a digital signature technology is acceptable.

An acceptable technology must be capable of creating signatures that conform to the following:

- (1) It is unique to the person using it;**
- (2) It is capable of verification;**
- (3) It is under the sole control of the person using it; and**
- (4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated.**

1104. List of acceptable technologies.

(1) The technologies and services that comprise a Public-key Infrastructure are acceptable for use by public entities in Arkansas.

(2) Other evolving technologies as deemed acceptable by the Secretary of State or the Department of Information Systems.

1200. Criteria for public entities to use in accepting digital signatures.

(a) Prior to accepting a digital signature, public entities shall ensure that the level of security used to identify the signer of a document is sufficient for the transaction being conducted;

(b) Prior to accepting a digital signature, public entities shall ensure that the level of security used to transmit the signature is sufficient for the transaction being conducted; and

(c) If a certificate is a required component of a digital signature transaction, public entities shall ensure that the certificate format used by the signer is sufficient for the security and interoperability needs of the public entity.

1300. Enforcement.

The Secretary of State may investigate complaints or other information indicating violations of guidelines adopted by the Secretary of State. The Secretary of State shall certify to the Attorney General, for such action as the

Attorney General may deem appropriate, all information he or she obtains that discloses a violation of any provision of this Act or the guidelines adopted by the Secretary of State.

1400. Bonding.

A verification company shall obtain a bond issued by a surety company authorized to do business and in good standing in Arkansas. A copy of the bond required by this rule shall be filed with the Corporations Division of the Secretary of State's office prior to any activity by the Company. The amount of the bond shall not be less than two hundred fifty thousand dollars (\$250,000) and shall be in favor of the Secretary of State for any penalties assessed for any losses resulting from the verification company's conduct in this State.

A verification company must obtain a certificate of authority to conduct business in the State of Arkansas. Should a bond be canceled or revoked by the surety, the verification company will no longer be allowed to do business as a verification company in Arkansas.

Any other State agency may require that the verification company provide further information as that agency deems necessary. The Department of Information Services shall act as the verification company for the State of Arkansas and shall be excluded from any bonding requirements.